

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

ALICE ROBERTS-SELIGER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:23-cv-15477
)	
BURGER KING CORPORATION, and)	JURY DEMANDED
BURGER KING COMPANY LLC,)	
)	
Defendants.)	

COMPLAINT AT LAW

NOW COMES the Plaintiff, ALICE ROBERTS-SELIGER, by and through her attorneys TAXMAN, POLLOCK, MURRAY & BEKKERMAN, LLC, and brings her complaint at law against Defendants, BURGER KING CORPORATION, and BURGER KING COMPANY LLC, and in support thereof states as follows:

THE PARTIES, JURISDICTION & VENUE

1. Plaintiff, ALICE ROBERTS-SELIGER, is a permanent resident of Burbank, Illinois and, thereby, the Northern District of Illinois.
2. Plaintiff ALICE ROBERTS-SELIGER is a citizen of Illinois for the purposes of a diversity jurisdiction analysis.
3. The amount in controversy in this case is in excess of \$75,000.00.
4. Defendant BURGER KING CORPORATION is a Florida Corporation.
5. Defendant BURGER KING CORPORATION maintains their principal place of business at 5707 Blue Lagoon Drive, Miami, FL 33126.
6. Defendant BURGER KING CORPORATION is a citizen of Florida for the purposes of a diversity jurisdiction analysis.

7. Defendant BURGER KING COMPANY LLC is a Florida Corporation.

8. Defendant BURGER KING COMPANY LLC maintains their principal place of business at 5707 Blue Lagoon Drive, Miami, FL 33126.

9. Defendant BURGER KING COMPANY LLC is a citizen of Florida for the purposes of a diversity jurisdiction analysis.

10. Jurisdiction in this Court is proper under 28 U.S.C. § 1332.

11. Venue in the Northern District of Illinois, Eastern Division is proper under 28 U.S.C. § 1391(b)(2).

COUNT I – NEGLIGENCE – BURGER KING CORPORATION

12. The Plaintiff incorporates paragraphs one (1) through twelve (12) of this complaint as if fully alleged herein Count I.

13. On or about December 17, 2022, Defendant, BURGER KING CORPORATION, owned, leased, possessed, operated, managed, maintained, or controlled a property located at or near 8650 South State Road in the city of Burbank, Cook County, Illinois.

14. On or about December 17, 2022, and at all times hereinafter mentioned, Defendant, BURGER KING CORPORATION, retained the right to control, and/or manage the aforesaid property, including the common areas and limited common elements, areas of ingress and egress, exterior driveway and/or adjacent sidewalks to the building located at 8650 South State Road in the city of Burbank, Cook County, Illinois.

15. On or about December 17, 2022, and at all times hereinafter mentioned, Defendant, BURGER KING CORPORATION, possessed, operated, managed, maintained, and controlled or had a duty to possess, operated, manage, or control, both directly or indirectly through its agents, servants, contractors and/or employees, the building located at 8650 South State Road in the city

of Burbank, Cook County, Illinois, including its common areas, areas of ingress and egress, exterior driveway and/or adjacent sidewalks.

16. On or about December 17, 2022, and at all times hereinafter mentioned, Defendant, BURGER KING CORPORATION, through its agents and employees, had a duty to exercise ordinary care in its ownership, possession, management, maintenance and control of the subject property such that it was reasonably safe for individuals legally entitled to be present on the property.

17. On or about December 17, 2022, and at all times hereinafter mentioned, Defendant, BURGER KING CORPORATION, through its agents, servants, contractors, and/or employees, caused and permitted the areas of ingress and egress, including the exterior driveway and/or adjacent sidewalks of the building located at 8650 South State Road in the city of Burbank, Cook County, Illinois, to become and remain in a dangerous condition for persons on the premises, including Plaintiff, ALICE ROBERTS-SELIGER, although Defendant knew or in the exercise of ordinary care, should have known of the dangerous condition on the property.

18. On or about December 17, 2022, Plaintiff, ALICE ROBERTS-SELIGER, was walking on the exterior driveway and adjacent sidewalk of the aforementioned property as an invited guest.

19. At the aforesaid date and time, an unnatural accumulation of ice and snow had accumulated on the adjacent sidewalk that served as an area of ingress and egress for Defendant's building located at 8650 South State Road in the city of Burbank, Cook County, Illinois.

20. Defendant, BURGER KING CORPORATION, by and through its employees, servants, and/or agents, had actual or constructive knowledge of the aforesaid dangerous unnatural accumulation of ice and snow that was present on the adjacent sidewalk that served as an area of

ingress and egress for Defendant's building located at 8650 South State Road in the city of Burbank, Cook County, Illinois

21. On or about December 17, 2022, Plaintiff, ALICE ROBERTS-SELIGER, walked on the adjacent sidewalk that served as an area of ingress and egress for Defendant's building located at 8650 South State Road in the city of Burbank, Cook County, Illinois, when through no fault, negligence or carelessness of her own, she slipped and fell on an unnatural accumulation of ice.

22. At the aforesaid date and time and at the aforesaid place, it then and there became and was the duty of Defendant, BURGER KING CORPORATION, prior to and at the time of the occurrence, to exercise reasonable care and caution in and about the ownership, management, maintenance, operation, control and possession of said premises, including the adjacent sidewalk, so that the same would be in good, safe, and proper conditions for persons legally and lawfully upon said premises to use and walk upon so as not to cause harm and injury to such persons, and, in particular, the Plaintiff, ALICE ROBERTS-SELIGER.

23. Notwithstanding the aforesaid duty, Defendant, BURGER KING CORPORATION, by and through its respective agents, servants, contractors and/or employees in the course and scope of their agency, servitude and/or employment, prior to and at the time of the occurrence, acted or failed to act in one or more of the following ways:

- (a) Improperly operated, managed, maintained, and controlled the aforesaid premises, so that as a direct and proximate result thereof, Plaintiff was injured;
- (b) Allowed and permitted an unnatural accumulation of ice to exist on and around the adjacent sidewalk that served as an area of ingress and egress for Defendant's building;
- (c) Failed to properly and adequately remove the unnatural accumulation of ice and snow from and around the adjacent sidewalk that served as an area of ingress and egress for Defendant's building;

- (d) Failed to make a reasonable inspection of the aforesaid premises and adjacent sidewalk to Defendant's premises when the Defendant knew, or should have known, that said inspection was necessary to prevent injury to Plaintiff;
- (e) Failed to warn the Plaintiff of the unnatural accumulation of ice and snow on the adjacent sidewalk to Defendant's premises, when the Defendant knew, or in the exercise of ordinary care should have known, that said warning was necessary to prevent injury to the Plaintiff;
- (f) Failed to apply salt, sand or any other slip resistant or ice removal substance to the icy, slippery and hazardous conditions on the adjacent that served as an area of ingress and egress for Defendant's building;
- (g) Failed to remove and/or abate the icy, slippery and hazardous conditions for the safety of persons on the adjacent sidewalk that served as an area of ingress and egress for Defendant's building;

OR

- (h) Was otherwise negligent and careless.

24. On the aforesaid date and as a result of the aforesaid acts of Defendant, BURGER KING CORPORATION, Plaintiff, ALICE ROBERTS-SELIGER, was caused to slip and fall on icy and slippery conditions that existed as a result of the unnatural accumulation of ice and snow that on the adjacent sidewalk that served as an area of ingress and egress for Defendant's building, thereby sustaining severe and permanent injuries.

25. As a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the Defendant, BURGER KING CORPORATION, Plaintiff, ALICE ROBERTS-SELIGER, then and there sustained severe and permanent injuries, both externally and internally, and was, and will be hindered and prevented from attending to her usual duties and affairs and has lost, and will in the future lose, the value of that time as aforementioned. Plaintiff also suffered great pain and anguish, both in mind and body, and will in the future continue to suffer. Plaintiff further expended and became liable for, and will expend and become

liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE, Plaintiff, ALICE ROBERTS-SELIGER, demands judgment against Defendant, BURGER KING CORPORATION, in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

COUNT II – NEGLIGENCE – BURGER KING COMPANY LLC

26. The Plaintiff incorporates paragraphs one (1) through twelve (12) of this complaint as if fully alleged herein Count II.

27. On or about December 17, 2022, Defendant, BURGER KING COMPANY LLC, owned, leased, possessed, operated, managed, maintained, or controlled a property located at or near 8650 South State Road in the city of Burbank, Cook County, Illinois.

28. On or about December 17, 2022, and at all times hereinafter mentioned, Defendant, BURGER KING COMPANY LLC, retained the right to control, and/or manage the aforesaid property, including the common areas and limited common elements, areas of ingress and egress, exterior driveway and/or adjacent sidewalks to the building located at 8650 South State Road in the city of Burbank, Cook County, Illinois.

29. On or about December 17, 2022, and at all times hereinafter mentioned, Defendant, BURGER KING COMPANY LLC, possessed, operated, managed, maintained, and controlled or had a duty to possess, operated, manage, or control, both directly or indirectly through its agents, servants, contractors and/or employees, the building located at 8650 South State Road in the city of Burbank, Cook County, Illinois, including its common areas, areas of ingress and egress, exterior driveway and/or adjacent sidewalks.

30. On or about December 17, 2022, and at all times hereinafter mentioned, Defendant, BURGER KING COMPANY LLC, through its agents and employees, had a duty to exercise ordinary care in its ownership, possession, management, maintenance and control of the subject property such that it was reasonably safe for individuals legally entitled to be present on the property.

31. On or about December 17, 2022, and at all times hereinafter mentioned, Defendant, BURGER KING COMPANY LLC, through its agents, servants, contractors, and/or employees, caused and permitted the areas of ingress and egress, including the exterior driveway and/or adjacent sidewalks of the building located at 8650 South State Road in the city of Burbank, Cook County, Illinois, to become and remain in a dangerous condition for persons on the premises, including Plaintiff, ALICE ROBERTS-SELIGER, although Defendant knew or in the exercise of ordinary care, should have known of the dangerous condition on the property.

32. On or about December 17, 2022, Plaintiff, ALICE ROBERTS-SELIGER, was walking on the exterior driveway and adjacent sidewalk of the aforementioned property as an invited guest.

33. At the aforesaid date and time, an unnatural accumulation of ice and snow had accumulated on the adjacent sidewalk that served as an area of ingress and egress for Defendant's building located at 8650 South State Road in the city of Burbank, Cook County, Illinois.

34. Defendant, BURGER KING COMPANY LLC, by and through its employees, servants, and/or agents, had actual or constructive knowledge of the aforesaid dangerous unnatural accumulation of ice and snow that was present on the adjacent sidewalk that served as an area of ingress and egress for Defendant's building located at 8650 South State Road in the city of Burbank, Cook County, Illinois

35. On or about December 17, 2022, Plaintiff, ALICE ROBERTS-SELIGER, walked on the adjacent sidewalk that served as an area of ingress and egress for Defendant's building located at 8650 South State Road in the city of Burbank, Cook County, Illinois, when through no fault, negligence or carelessness of her own, she slipped and fell on an unnatural accumulation of ice.

36. At the aforesaid date and time and at the aforesaid place, it then and there became and was the duty of Defendant, BURGER KING COMPANY LLC, prior to and at the time of the occurrence, to exercise reasonable care and caution in and about the ownership, management, maintenance, operation, control and possession of said premises, including the adjacent sidewalk, so that the same would be in good, safe, and proper conditions for persons legally and lawfully upon said premises to use and walk upon so as not to cause harm and injury to such persons, and, in particular, the Plaintiff, ALICE ROBERTS-SELIGER.

37. Notwithstanding the aforesaid duty, Defendant, BURGER KING COMPANY LLC, by and through its respective agents, servants, contractors and/or employees in the course and scope of their agency, servitude and/or employment, prior to and at the time of the occurrence, acted or failed to act in one or more of the following ways:

- (a) Improperly operated, managed, maintained, and controlled the aforesaid premises, so that as a direct and proximate result thereof, Plaintiff was injured;
- (b) Allowed and permitted an unnatural accumulation of ice to exist on and around the adjacent sidewalk that served as an area of ingress and egress for Defendant's building;
- (c) Failed to properly and adequately remove the unnatural accumulation of ice and snow from and around the adjacent sidewalk that served as an area of ingress and egress for Defendant's building;
- (d) Failed to make a reasonable inspection of the aforesaid premises and adjacent sidewalk to Defendant's premises when the Defendant knew, or should have known, that said inspection was necessary to prevent injury to Plaintiff;

- (e) Failed to warn the Plaintiff of the unnatural accumulation of ice and snow on the adjacent sidewalk to Defendant's premises, when the Defendant knew, or in the exercise of ordinary care should have known, that said warning was necessary to prevent injury to the Plaintiff;
- (f) Failed to apply salt, sand or any other slip resistant or ice removal substance to the icy, slippery and hazardous conditions on the adjacent that served as an area of ingress and egress for Defendant's building;
- (g) Failed to remove and/or abate the icy, slippery and hazardous conditions for the safety of persons on the adjacent sidewalk that served as an area of ingress and egress for Defendant's building;

OR

- (h) Was otherwise negligent and careless.

38. On the aforesaid date and as a result of the aforesaid acts of Defendant, BURGER KING COMPANY LLC, Plaintiff, ALICE ROBERTS-SELIGER, was caused to slip and fall on icy and slippery conditions that existed as a result of the unnatural accumulation of ice and snow that on the adjacent sidewalk that served as an area of ingress and egress for Defendant's building, thereby sustaining severe and permanent injuries.

39. As a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the Defendant, BURGER KING COMPANY LLC, Plaintiff, ALICE ROBERTS-SELIGER, then and there sustained severe and permanent injuries, both externally and internally, and was, and will be hindered and prevented from attending to her usual duties and affairs and has lost, and will in the future lose, the value of that time as aforementioned. Plaintiff also suffered great pain and anguish, both in mind and body, and will in the future continue to suffer. Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE, Plaintiff, ALICE ROBERTS-SELIGER, demands judgment against Defendant, BURGER KING COMPANY LLC, in a dollar amount to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

Respectfully Submitted,

/s/James P. Lynch
One of the Attorneys for Plaintiff

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